Supreme Court, U.S.
FILED
OCT 12 2000
CLERK

(5)

No. 00-131

In The

Supreme Court of the United States

K.D.M., a minor, by and through his father and next friend, W.J.M.,

Petitioner,

v.

REEDSPORT SCHOOL DISTRICT and NORMA PAULUS, in her official capacity as Oregon Superintendent of Public Instruction,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

REEDSPORT SCHOOL DISTRICT'S RESPONSE TO PETITION FOR WRIT OF CERTIORARI

BRUCE A. ZAGAR
Attorney at Law
GARRETT, HEMANN, ROBERTSON, JENNINGS, COMSTOCK & TRETHEWY, P.C.
1011 Commercial Street S.E.
P.O. Box 749
Salem OR 97308-0749
(503) 581-1501

Attorney of Record for Respondent Reedsport School District

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

3pp

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

I. STATEMENT OF THE CASE

Respondent Reedsport School District accepts the petitioner's statement of the Parties to the Proceedings, the Opinions Below, and the Jurisdiction of this court.

Except as set forth below and as identified in the Response Brief of Respondent Norma Paulus, Respondent Reedsport School District accepts the petitioner's Statement of Case. Respondent specifically disagrees that the record supports that, Reedsport School District's policy and practice is to "provide on-site special education services to children with disabilities attending public schools and *non-religious* private schools, but withholds such services from children with disabilities attending *religious* private schools." *Petitioner's Brief at p. 5 (citations omitted)*. Petitioner was provided services but not on-site. OAR 581-015-0166(3) prohibits special education services from being provided except in a religiously-neutral setting. It is the "policy and practice" of Reedsport School District to follow the rules promulgated by the State of Oregon Department of Education relating to delivery of services and the rule in question was followed in the case of K.D.M.

II. SUMMARY OF ARGUMENT

Respondent Reedsport School District further adopts and incorporates by reference the Response to the Petition for Writ of Certiorari of Respondent Norma Paulus.

CONCLUSION

For the reasons stated above and in the Response to the Petition for Review filed by Respondent Norma Paulus, Respondent Reedsport School District requests that the Petition for Writ of Certiorari be denied.

Respectfully submitted,

BRUCE A. ZAGAR
Attorney at Law
GARRETT, HEMANN, ROBERTSON, JENNINGS, COMSTOCK & TRETHEWY, P.C.
1011 Commercial Street S.E.
P.O. Box 749
Salem OR 97308-0749
(503) 581-1501
Attorney for Respondent Reedsport School District